

Rule 4(m) of the Federal Rules of Civil Procedure provides, “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or

order that service be made within a specified time.” Fed. R. Civ. Pro. 4(m). Having already extended plaintiffs’ deadline for serving Lowe, this court finds that defendant Lowe has demonstrated good cause for dismissing him from this action.

Accordingly, defendant Richard Lowe’s renewed motion to dismiss [Doc. 15] is **GRANTED**, whereby plaintiffs’ claims against Lowe, individually and in his official capacity, are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge